

12:11 pm, Nov 18, 2019

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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SALVATORE GUADAGNA, individually and  
on behalf of all persons similarly situated,

Plaintiff,

-against-

HOWARD ZUCKER, as Commissioner of the  
New York State Department of Health,

Defendant.  
-----X

**U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE**

**MEMORANDUM OF  
DECISION & ORDER**  
2:17-cv-03397 (ADS)(AKT)

**APPEARANCES:**

**New York Legal Assistance Group**

*Attorneys for the Plaintiff*

7 Hanover Square 18th Floor

New York, NY 10004

By: Benjamin Wait Taylor, Esq.,  
Elizabeth A. Jois, Esq.,  
Jane Greengold Stevens, Esq.,  
Julia Grossman Russell, Esq., Of Counsel.

**Office of the New York State Attorney General**

*Attorneys for the Defendant*

200 Old Country Road Suite 460

Mineola, NY 11501

By: Dorothy O. Nese, Esq., Deputy Assistant Attorney General.

**SPATT, District Judge:**

On August 8, 2019, the Court certified a class action pursuant to Federal Rule of Civil Procedure (“Rule”) 23(b)(2).

On October 29, 2019, the Court entered an order approving the Plaintiff’s proposed notice to class members pursuant to Rule 23(c)(2)(A). The Court stayed dissemination of notice pending the parties’ agreement upon a revised class definition.

On November 15, 2019, the Plaintiff submitted a letter indicating that the parties agreed to the following revised class definition:

All Medicaid recipients who were enrolled in the GuildNet managed long-term care plans in Suffolk, Nassau, or Westchester County as of March 1, 2017 and who suffered reductions in care without prior notice and opportunity to be heard when they transferred to new managed long-term care plans prior to October 2, 2017 as a result of GuildNet's closure in their counties of residence.

ECF 140.

Accordingly, the Court adopts the parties' proposed revised class definition and hereby orders the dissemination of the Plaintiff's proposed notice, ECF 129-1, to members of the revised class. The Defendant is directed to either mail the notice to the class or provide the Plaintiff with the names and mailing addresses of class members no later than seven days from the issuance of this order.

It is **SO ORDERED**:

Dated: Central Islip, New York

November 18, 2019

/s/ Arthur D. Spatt

ARTHUR D. SPATT

United States District Judge